

## REMARKS

Claims 1 – 7 and 15 – 17 are in the application. Claims 1, 15, and 16 are currently amended; claims 2 – 7 and 17 were previously presented; and claims 8 – 14 have been canceled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. The claim amendments submitted for entry are made to provide consistency between the elements ("identity oriented context *application*" and "device oriented context *application*") are claimed in the independent claims 1, 15, and 16. Applicant further submits that entry of the claim amendments submitted herein does not change the scope of the claims.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 102**

Claims 1 – 7 and 15 – 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis". This rejection is traversed.

Regarding the rejection of claims 1 – 7 and 15 – 17 under 35 U.S.C. 102(b) as being anticipated by Diacakis, Applicant reminds the Office that anticipation requires that each and every one of the claimed elements be disclosed in the cited and relied upon reference as configured in the claims. Applicant respectfully submits that the cited and relied upon Diacakis does not anticipate claims 1 – 7 and 15 – 17.

Applicant notes that claim 1 relates to, in part, interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity; determining, by said device oriented context application, a device oriented context for a specific device

associated with an identity, wherein said device oriented context provides an availability status of said specific device; determining, by said identity oriented context application, an identity oriented context for said identity, wherein said identity oriented context provides an availability status of said identity; and determining, for a specific time, a true availability of said identity based, at least in part, on said device oriented context for said specific device associated with said identity, said identity oriented context, said availability rule, and said specific time.

Clearly, Applicant claims an identity oriented context application that represents a context of an identity based on an availability of the identity and a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity. Furthermore, Applicant claims determining, by said device oriented context application, a device oriented context for a specific device associated with an identity, wherein said device oriented context provides an availability status of said specific device; determining, by said identity oriented context application, an identity oriented context for said identity, wherein said identity oriented context provides an availability status of said identity; and determining, for a specific time, a true availability of said identity based, at least in part, on said device oriented context for said specific device associated with said identity, said identity oriented context, said availability rule, and said specific time.

Applicant respectfully notes that claims 15 and 16 are worded similar to claim 1.

Thus, each of Applicant's independent claims recite an identity oriented context application, a device oriented context application, and the determining operations discussed above.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed (1) device oriented context application, device oriented context application that represents the context of the identity based on an availability of a device associated with the identity, (2) determining, by the device oriented context application, a device oriented context for a specific device associated

with an identity, wherein the device oriented context provides an availability status of the specific device; and (3) determining, for a specific time, a true availability of the identity based, at least in part, on the device oriented context for the specific device associated with the identity, the identity oriented context, said availability rule, and said specific time.

Contrary to rejection argued in the FOA, Diacakis discloses an identity oriented context application (i.e., presence detection engine 18) that represents a context of an individual based on an availability of the individual and determining, by the identity oriented context application (i.e., presence detection engine 18), an identity oriented context for an individual, wherein the identity oriented context provides an availability status of the individual. Diacakis further discloses determining, for a specific time, an availability of the individual based on the identity oriented context for the individual (as determined by a "presence" of the individual provided by the presence detection engine 18 and the "availability" of the individual provided by the availability management engine 20) for the individual.

Applicant respectfully submits that the cited and relied upon Diacakis discloses a presence and availability management system that relies on an identity oriented context application. While the Final Office Action (FOA) states at pages 2 and 3 therein, "presence detection engine [is] interpreted as a device oriented context system since it determines user's presence based on particular devices, and availability management engine [is] interpreted as [an] identity oriented context system since it determines user's availability based on user's situation", it remains a fact that Diacakis instead actually discloses an identity oriented application or system. This is true since Diacakis is fundamentally concerned with determining the availability of an "individual". The disclosed individual refers to a user (i.e., a person). Diacakis discloses,

[0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline

telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

[0027] In addition, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons.

Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available. (emphasis added)

Thus, Diacakis explicitly and specifically defines the meaning of "presence" and "availability" therein. Applicant notes that the defined "presence" and "availability" are each explicitly defined as relating to a presence of an individual and a willingness of that individual to be contacted. Therefore, there is no need to *interpret* the meaning of the terms "presence" and "availability" since Diacakis specifically defines the terms.

Applicant submits that there is no disclosure in Diacakis of the disclosed "presence detection engine 18" being the same as (or even suggestive of) the claimed "device oriented context application" as argued in the FOA. Applicant notes that Diacakis provides numerous examples of the presence detection engine 18 providing the individual's presence on different networks. For example, Diacakis states,

The presence detection engine 18 may detect a change in the individual's situation, as described further hereinafter, or the individual may communicate the change to the management server 12 directly. (See Diacakis, paragraph [0034], ln. 14 - 17);

[0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the server 12 includes a presence detection engine 18 and an availability management engine 20. The presence detection engine 18 may determine an individual's presence upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to the availability management engine 20, which in turn may determine the individual's

availability based on the presence information as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously.

[0040] As illustrated in FIG. 4, the presence detection engine 18 may receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the presence detection engine 18 may use to help determine the individual's presence is time-based input 40. (emphasis added) (*Time does not mean individual.*)

[0041] Another type of input that the presence detection engine 18 may use is user-location input 42. User-location information may be supplied, for example, from a number of possible networks or devices in communication with the server 12. (emphasis added) (*User location does not equal a device availability.*)

[0042] In addition, the presence detection engine 18 may receive input from various hardware devices that may relate information regarding user location. For example, the presence detection engine 18 may receive information from cameras, such as security cameras located at a place of employment. Thus, the camera information may relate information as to whether the individual is in the locale of his place of employment. (emphasis added) (*Presence in camera's field of view does not does not equal a device availability.*)

[0043] Additionally, the presence detection engine 18 may be in communication with other networks/devices to help determine presence information. For example, the presence detection engine 18 may be in communication with a SS7 network of the public switched telephone network (PSTN) to determine if the individual is present on a landline telephone such as, for example, the landline desk phone 44 in his office. (emphasis added) (*Presence of individual on a landline does not equal a device availability.*)

and

[0044] The presence detection engine 18 may also receive inputs from computer networks such as, for example, a local Ethernet, a LAN, a wireless LAN, a MAN, a WAN, or a TCP/IP network, to determine if the individual is present on such a network, such as via his personal computer (PC) 48. Similarly, the presence detection engine 18 may be in

communication with communication networks to determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52. (emphasis added) (Presence of individual on a network *does not equal a device availability*.)

Each portion of Diacakis repeated above clearly emphasizes that Diacakis' presence detection engine 18 actually provides an indication of the individual's presence. No disclosure is made by Diacakis that the disclosed presence detection engine 18 is the same as the claimed "device oriented context application that represents the context of the identity *based on an availability of a device* associated with the identity. Again, Diacakis' presence detection engine 18, as explicitly defined and disclosed by Diacakis, specifically relates to the presence of the individual.

There is no disclosure that the presence detection engine 18 determines an availability of a device. For example, an individual may report or be reported as being on a particular communication network as determined by the presence detection engine 18 according to the Diacakis disclosure. However, the individual may not truly or actually be available since a device associated with the individual and used to communicate via the communication network may not be available or accessible to others. Since Diacakis does not provide a device oriented context application for the availability of a device and only provides an identity oriented context application (i.e., presence detection engine 18) as demonstrated hereinabove, Diacakis has no way of truly determining the availability of the individual. In contrast, the claimed invention determines the true availability of an identity based, at least in part, on an identity oriented context *and* a device oriented context for a specific device. Again, Diacakis only provides an identity oriented context since Diacakis only determines the presence of an individual using presence detection engine 18 and the availability management engine 20.

Applicant respectfully submits that since Diacakis fails to disclose the claimed "device oriented context application", it logically follows that Diacakis also fails to disclose the claimed aspects of determining, by the device oriented context application, a device oriented context for a specific device associated with an identity, wherein the

device oriented context provides an availability status of the specific device; and determining, for a specific time, a true availability of the identity based, at least in part, on the device oriented context for the specific device associated with the identity, the identity oriented context, said availability rule, and said specific time.

Applicant notes that the FOA admits that the Diacakis disclosed "availability management engine" does not disclose the claimed "device oriented context application" by citing and relying on the disclosed "availability management engine" for disclosing the claimed "identity oriented context application".

Applicant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the availability of an individual. No availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application. For example, each of the examples discussed in paragraphs [0040] – [0044] relates to determining the presence of the individual. Even when the individual is on or using a network or device, Diacakis determines the availability of the "individual" on the network or device, not the availability of a network or a device itself. The availability of a device itself, as determined by the claimed "device oriented context application" is not seen in Diacakis.

Applicant respectfully submits that claims 1, 15, and 16 are not anticipated by Diacakis. Applicant further submits that claims 2 – 7 and 17 are patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 15 – 17 under 35 USC 102.

## CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

August 22, 2008  
Date

/Randolph P. Calhoun/  
Randolph P. Calhoun  
Registration No. 45,371  
(203) 972-5985

SIEMENS CORPORATION  
**Customer Number: 28524**  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830

Attn: Elsa Keller, Legal Department  
Telephone: 732-321-3026